

12. Washington State Legislature

12.1 Introduction

In 1974, the Washington State Legislature passed the Forest Practices Act declaring that:

“forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forestlands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty” (RCW 76.09.010).

The Act was the state’s first comprehensive law addressing the impact of forest practices on the environment. The Act also created the Forest Practices Board which sets the specific standards that are the basis for the forest practices program.

Each year, DNR monitors laws being passed by the Washington State Legislature for those that could impact the forest practices program. The table in Section 12.2 describes the laws passed in the 2010 Washington State legislative session that could impact the forest practices program. There were no new laws that would result in a change in protection of habitat for the species covered in the Forest Practices HCP.

The state’s focus in the past year has been budget driven. Numerous bills were introduced to combine agencies, limit working boards that assist agencies in their duties, transfer common duties to a single agency, and several cost saving measures. SHB 2935 and E2SHB 2617 are two such bills that combined boards and introduced cost saving measures.

12.2 Provisions of Selected 2010 Washington State Laws

Selected 2010 Washington State Laws Affecting the Forest Practices Program				
Bill #	Title ("AN ACT relating to ...")	Provisions	Status	Effect*
ESHB2541	...maximizing the ecosystem services provided by forestry through the promotion of the economic success of the forest products industry.	<ul style="list-style-type: none"> - directs DNR to: 1) develop proposals for appropriate landowner conservation incentives that support landowners to maintain their land in forestry (e.g., incentives related to ecosystem service markets, tax incentives, easements, technical assistance, and recognition or certification); 2) consult with the Forest Practices Board, representatives of federal, state and local government, tribes, small forest landowners, conservation groups, industrial foresters, and other individuals DNR deems beneficial in implementing the law; and; 3) by Dec. 31, 2011 present research and proposed incentives to the governor, legislative committees, Commissioner of Public Lands, and the Forest Practices Board; and offer to present findings and recommendations to the Washington congressional delegation, local governments, and any state or federal agency that has as a portion of their mission the support of Washington's working land base and the jobs, products, and ecological values that working lands provide. - states that these actions shall not cause, promote, or delay any Forest Practices Board rule making. - authorizes DNR to seek federal and private funds and in-kind contributions to complete the work; and specifies, "at the discretion of (DNR), DNR must comply with this act only to the degree that existing or acquired non-state resources permit. - adds two definitions to RCW 76.09.020: "ecosystem services" and "ecosystem services market." - the new section of the law expires July 1, 2012. 	law, effective 6/10/10	direct, no rule- making required

Selected 2010 Washington State Laws Affecting the Forest Practices Program				
Bill #	Title ("AN ACT relating to ...")	Provisions	Status	Effect*
SHB2935	...environmental and land use hearings boards and making more uniform the timelines for filing.	<ul style="list-style-type: none"> - eliminates the forest practices appeals board and the hydraulics appeals board, and consolidates other state boards that conduct administrative review of environmental and land use decisions. The duties of the eliminated boards are transferred to other boards. Forest Practices appeals will be heard by the Pollution Control Hearings Board beginning 7/1/2010. - establishes uniform timelines for filing appeals based on the "date of receipt" as currently defined in 43.21B.001; stop work order appeal period is lengthened to 30 days. - retains the informal appeals to agencies, such as appeals of a Notice to Comply using the brief adjudicated procedure (BAP) and civil penalty remission mitigation process that is heard by the DNR supervisor. - allows appeals that are currently assigned to the Environmental Hearings Office to be completed in that forum. 	law, effective 7/1/10	direct, rule-making required
SHB2420	...promotion of industries that rely on the state's working land base.	<ul style="list-style-type: none"> - expands the definition of green industry to include the forest products industry. - clean energy definition is expanded to include energy derived from wood biomass, liquid biofuels, and bio-based products. - forest products industry is defined as those businesses that grow, manage, harvest, transport and process forest, wood and paper products. 	law, effective 6/10/10	indirect
SB6481	...clarifying which local governments have jurisdiction over conversion related forest practices	- counties planning under RCW 36.70A.040 (GMA) with a population greater than one hundred thousand, and the cities within those counties, where more than a total of 25 Class IV General forest practices applications have been filed with the DNR between January 1, 2003, and December 31, 2005 are required to adopt and enforce ordinances for Class IV General	law, effective 6/10/10	indirect

Selected 2010 Washington State Laws Affecting the Forest Practices Program				
Bill #	Title ("AN ACT relating to ...")	Provisions	Status	Effect*
		<p>forest practices, conversion of forest land into non forest land.</p> <p>- removed the 12/31/08 deadline for transfer of jurisdiction.</p> <p>- counties with a population of less than 100,000 and the cities within them, have the discretionary authority to adopt regulations and assume the jurisdiction over Class IV General forest practices.</p>		
E2SHB2617	...eliminating boards and commissions	<p>- eliminates lodging, subsistence and travel allowances for members of class one boards, commissions, councils, committees or similar groups beginning July 1, 2010 through June 30, 2011. The Small Forest Landowner Advisory Committee (SFLAC) is a class one committee, and therefore will need to meet via teleconference and provide a location in a state facility for public participation.</p> <p>- beginning July 1, 2010, through June 30, 2011, class four boards, commissions, councils, committees or similar groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law. Meetings that require a member's physical presence at one location must be held in state facilities whenever possible, and meetings conducted using private facilities must be approved by the director of the office of financial management.</p> <p>- the Forest Practices Board is a class four board and there is no law or statute that requires member's physical attendance at meetings. The AG's office is analyzing the law; the impact and alternatives for minimizing the effect to the Board's business will be discussed at an upcoming meeting.</p>	law, effective 6/10/10	indirect

Selected 2010 Washington State Laws Affecting the Forest Practices Program				
Bill #	Title ("AN ACT relating to ...")	Provisions	Status	Effect*
2SSB6578	...creating an optional multiagency permitting team	<p>- Office of Regulatory Assistance is to develop an optional multiagency permitting team for coordinated permitting and integrated regulatory decision making. With the exception of some initial costs, the expenses of the team are to be recovered through cost-reimbursement and cost-sharing. The teams will be a mobile group of senior-level permitting and regulatory decision making personnel representing the Washington state departments of ecology, fish and wildlife, and natural resources who have expertise in regulatory issues relating to a project.</p> <p>- tribes, local and federal permitting and regulatory personnel can be called upon to join the team on a project-by-project basis. The teams will initially focus on projects such as large-scale public, private, and port development projects with complex aquatics, wetland, or other environmental impacts; environmental cleanup, restoration, and enhancement projects; aquaculture projects; and energy, power generation, and utility projects initially in central Puget Sound.</p>	law, effective 3/22/10	indirect
2SSB2481	..department of natural resources authority to enter into forest biomass supply agreements	This bill allows and facilitates DNR state lands in selling forest biomass and in encouraging biomass energy development on state trust lands. Authorizes DNR to lease state lands for the sale, exploration, collection, processing, storage, stockpiling and conversion of biomass into energy or biofuels, and developing biomass processing and biofuel manufacturing or energy production facilities on state trust lands. Biomass operations must be accomplished in a manner that sustains forest ecological functions. The bill defines "forest biomass".	Law, effective 7/1/2010	indirect